

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Case No. 8:07CR261
Plaintiff,)
)
vs.)
)
ORDER
PATRICK LYNAM,)
)
Defendant.)

This case is before the court on the defendant's Motion to Review Detention (#25). The defendant requests the court reopen the issue of detention and allow the defendant to be released to a third-party custodian. The motion is denied.

After reviewing the October 24, 2007 Pretrial Services Memorandum, the court's October 24, 2007 Detention Order (#8), the transcript (#24) of the October 24, 2007 initial appearance hearing, the defendant's Motion to Review Detention (#25), and the Pretrial Services June 19, 2008 Memorandum, I find the motion should be denied without hearing.

The proposed placement of the defendant with a third-party custodian fails to address the court's concerns as set out in the Detention Order (#8), particularly the defendant's significant prior criminal record, his record of failures to appear, his conviction for resisting arrest (2005), and the incident surrounding his arrest on the current charge, when he attempted to flee the arresting officers and was tasered twice before being taken into custody. Additionally, the proposed placement fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED, the defendant's Motion to Review Detention (#25) is denied without hearing.

Dated this 20th day of June 2008.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge